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on October 12, 1998

By Linda M. Fall

PATENT

Attorney Docket No. 23070-080510

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Peter J. Kushner *et al.*

Serial No.: 09/103,355

Filed: June 23, 1998

For: Methods for Screening Nuclear  
Transcription Factors for the Ability to  
Modulate Estrogen Response

Examiner: Not Yet Assigned

Art Unit: 1643

TRANSMITTAL LETTER -  
RESPONSE TO NOTICE OF MISSING  
PARTS AND NOTICE TO COMPLY

Box Missing Parts  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Pursuant to the Notice to File Missing Parts of Application - Filing Date Granted and Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures, both dated July 16, 1998, enclosed are the following to be made of record in the above-identified application:

- (1) Petition to Extend Time
- (2) Executed Declaration
- (3) Power of Attorney by Assignee
- (4) Certificate of Assignee Under 37 CFR §3.73(b)
- (5) Verified Statements Claiming Small Entity Status (University of California and Karo Bio AB)
- (6) Communication Under 37 CFR §§1.821-1.825 and Preliminary Amendment
- (7) Sequence Listing (hard copy)
- (8) Sequence Listing (computer readable)
- (9) Copy of Notice of Missing Parts of Application and copy of Notice to Comply



Please charge Deposit Account No. 20-1430 for the following fees:

Small entity:	(a)	Petition to Extend Time (one month)	\$ 55.00
	(b)	Filing Fee (§1.16(a))	395.00
	(c)	Excess Claims Fees (§1.16(b), (c)):	88.00
		28 - 20 = 8 x \$11.00 = \$88.00	
		03 - 03 = 0 x \$41.00 = \$00.00	
	(d)	Missing Parts Surcharge	65.00
TOTAL FEES TO BE CHARGED			\$ 603.00

The Commissioner is hereby authorized to charge any additional fees associated with this paper or during the pendency of this application, or credit any overpayment, to Deposit Account No. 20-1430. This Transmittal Letter is submitted in triplicate.

Respectfully submitted,



Tom Hunter  
Reg. No. 38,498

Townsend and Townsend and Crew LLP  
Two Embarcadero Center, 8th Floor  
San Francisco, California 94111-3834  
415/576-0200  
415/576-0300 Fax  
TH/lmf  
SF 168421 v1



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
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09/103,355 06/23/98 KUSHNER BEST AVAILABLE COPY 97-247-2

020350 0262/0716  
TOWNSEND AND TOWNSEND AND CREW  
TWO EMBARCADERO CENTER EIGHTH FLOOR  
SAN FRANCISCO CA 94111

NOT ASSIGNED

DATE MAILED: 1643

07/16/98

NOTICE TO FILE MISSING PARTS OF APPLICATION  
Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☐ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a  
☐ small entity (statement filed) ☐ non-small entity is \$ 1190.

☒ 1. The statutory basic filing fee is:

- ☒ missing.  
☐ insufficient.

Applicant must submit \$ 1190 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

☒ 2. Additional claim fees of \$ \_\_\_\_\_, including any multiple dependent claim fees, are required.

\$ \_\_\_\_\_ for \_\_\_\_\_ independent claims over 3.

\$ 220 for 10 dependent claims over 20.

\$ \_\_\_\_\_ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☒ 3. The oath or declaration:

- ☒ is missing or unexecuted.  
☐ does not cover the newly submitted items.  
☐ does not identify the application to which it applies.  
☐ does not include the city and state or foreign country of applicant's residence.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

☐ 8. The application does not comply with the Sequence Rules.

See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825."

☐ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice MUST be returned with the reply.

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

10/20/1998 NUTLLARY 00000011 201430 0923355

01 FC:201 395.00 CH  
02 FC:203 88.00 CH  
03 FC:205 65.00 CH



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARK  
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
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09/103,355 06/23/98 KUSHNER

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020350 0262/0716  
TOWNSEND AND TOWNSEND AND CREW  
TWO EMBARCADERO CENTER EIGHTH FLOOR  
SAN FRANCISCO CA 94111

NOT ASSIGNED

DATE MAILED:  
1643

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS 07/16/98  
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application fails to comply with the requirements of 37 CFR 1.821 - 1.825.
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e).
- ☐ 7. OTHER: \_\_\_\_\_

**APPLICANT MUST PROVIDE:**

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing."  
☐ An initial or substitute paper copy of the "Sequence Listing," as well as an amendment directing its entry into the specification.  
☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d).

**FOR QUESTIONS REGARDING COMPLIANCE WITH THESE REQUIREMENTS, PLEASE CONTACT:**

- ☐ For Rules Interpretation, call (703) 308-1123.  
☐ For CRF submission help, call (703) 308-4212.  
☐ For PatentIn software help, call (703) 308-6856.

*Washington*  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

**PART 2 - COPY TO BE RETURNED WITH RESPONSE**